

PATENT COOPERATION TREATY

MAY 23 2003

PCT

TECH CENTER 1600/2500

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference USV340013514	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/IB00/01404	International filing date (day/month/year) 02 OCTOBER 2000	Priority date (day/month/year) NONE
International Patent Classification (IPC) or national classification and IPC Please See Supplemental Sheet.		
Applicant USV LIMITED		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

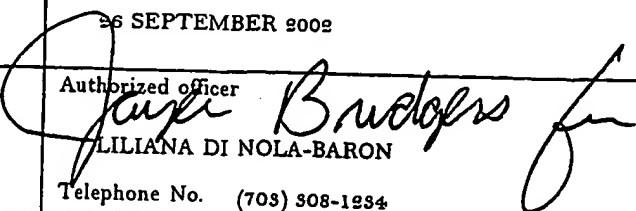
2. This REPORT consists of a total of 7 sheets.

This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheets.

3. This report contains indications relating to the following items:

- I Basis of the report
- II Priority
- III Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV Lack of unity of invention
- V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement
- VI Certain documents cited
- VII Certain defects in the international application
- VIII Certain observations on the international application

Date of submission of the demand 25 APRIL 2002	Date of completion of this report 26 SEPTEMBER 2002
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer  LILIANA DI NOLA-BARON
Facsimile No. (703) 505-3230	Telephone No. (703) 508-1234

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/IB00/01404

I. Basis of the report

1. With regard to the elements of the international application:*

 the international application as originally filed the description:

pages 1-6, 8-13

pages 7

pages NONE

, filed with the letter of _____

 the claims:

pages 15

pages 14, 14(a) , as amended (together with any statement) under Article 19

pages NONE

pages NONE

, filed with the letter of _____

 the drawings:

pages NONE

pages NONE

pages NONE

, filed with the letter of _____

 the sequence listing part of the description:

pages NONE

pages NONE

pages NONE

, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language _____ which is: the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

 contained in the international application in printed form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form. The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. The amendments have resulted in the cancellation of: the description, pages NONE the claims, Nos. NONE the drawings, sheets/fig NONE5. This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/IBoo/01404

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. statement**

Novelty (N)	Claims	1-14	YES
	Claims	NONE	NO
Inventive Step (IS)	Claims	1-14	YES
	Claims	NONE	NO
Industrial Applicability (IA)	Claims	1-14	YES
	Claims	NONE	NO

2. citations and explanations (Rule 70.7)

Claims 1-14 meet the criteria set out in PCT Article 33(2)-(4), because the prior art does not teach or fairly suggest a monolithic composition of metformin hydrochloride comprising a hydrophobic polymer, and a process for forming said composition.

The claims find industrial applicability in the medical field for the treatment of noninsulin dependent diabetes mellitus.

NEW CITATIONS

NONE

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/IB00/01404

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

CLASSIFICATION:

The International Patent Classification (IPC) and/or the National classification are as listed below:

IPC(7): A01N 37/52; A61K 47/30, 9/20, 9/22, 9/28 and US Cl.: 514/635, 772.3; 424/464, 465, 468, 474

Time(Hrs)	% Release
1	38 - 45%
2	50 - 55 %
3	62 - 68 %
4	70 - 75 %
5	80 - 85 %
6	85 - 90 %
7	91 - 95 %
8	96 - 100 %

Example 1 :

225 gm of stearic acid was melted at 70°C temperature. 1000 gm metformin hydrochloride was heated to 70°C in a jacketed rapid mixer granulator and granulated with above melted stearic acid at 70°C temperature. After granulation the granulate mass was mixed continuously with gradual cooling to room temperature.

60 gm of shellac and 25 gm of polyvinyl pyrrolidone were dissolved in 150 gm of isopropyl alcohol. This solution was gradually added to above metformin stearic acid granulate and mixed till dough mass formed. The resulting dough mass was dried at 45°C for 2 hours and then sized through 2.4 mm screen to break the agglomerates. These sized granules (1310 gm) were blended with 4.0 gm of colloidal silicone dioxide and 8.0 gm of magnesium stearate and compressed into capsule shape oval tablets of each containing 1000 mg of metformin hydrochloride.

CLAIMS :

1. A monolithic sustained release composition, comprising a formulation that includes an active substance and a hydrophobic material, the active substance being metformin hydrochloride, the formulation being configured to exhibit in-vitro drug release characteristics of the metformin hydrochloride while in gastric fluid having a pH of 1.2 for a first hour and then in phosphate buffer having a pH of 6.8, the in-vitro drug release characteristics after the first, second, third, fourth, fifth, sixth, seventh and eighth hours being, 38 - 45 % release by the first hour, 50-56 % release by the second hour, 62-68 % release by the third hour, 70-75 % release by the fourth hour, 80 - 85% release by the sixth hour, 85 - 90 % release by the seventh hour, 91 -95 % release by the eighth hour and 96-100 % release by the eighth hour.
2. Composition of claim 1, wherein the sustained release dose for metformin hydrochloride is at least 1000 mg.
3. Composition of claim 1, wherein at least 74 % by weight of the composition is metformin hydrochloride.
4. The pharmaceutical formulation as defined in claim 1, wherein the hydrophobic polymer and or hydrophobic material is selected from the group consisting of Fatty acids, Fatty alcohols, Fatty acid esters, Hydrogenated oils,

waxes and natural resins.

5. Composition of claim 4, wherein the hydrophobic polymer and or hydrophobic material comprises stearic acid, glyceryl monostearate, glyceryl behenate, glyceryl pamitostearate, glyceryl monooleate, microcrystalline wax, stearyl alcohol, cetyl alcohol, cetostearyl alcohol, hydrogenated castor oil, tristearin, shellac, rosin, polyvinyl chloride powder, polyethylene powder, and the like.
6. Composition of claim 1, further comprising about 3 to 10% by weight binder, up to 0.5 to 1.5% by weight glidant and up to 0.5 to 1.0% by weight of the lubricant.
7. Composition of claim 1, wherein pharmaceutical composition is tablet.

PATENT COOPERATION TREATY

28/2

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

09/P57.077

To: SURESH KUMAR GIDWANI
 COBRIN & GITTES
 LEXINGTON AVENUE
 NEW YORK, NY 10022

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

Date of Mailing
(day/month/year)

09 MAY 2001

Applicant's or agent's file reference USV340013514	FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/IB00/01404	International filing date (day/month/year) 02 OCTOBER 2000
Applicant USV LIMITED	

1. The applicant is hereby notified that the international search report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the international search report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO
 34, chemin des Colombettes
 1211 Geneva 20, Switzerland
 Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Further action(s): The applicant is reminded of the following:

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in rules 90 bis 1 and 90 bis 3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

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Name and mailing address of the ISA/US
 Commissioner of Patents and Trademarks
 Box PCT
 Washington, D.C. 20231
 Facsimile No. (703) 305-3230

Authorized officer
 TERRY J. DEY
 LILIANA DI NOLA-BARON
 PATENT/LEGAL SPECIALIST
 TECHNOLOGY CENTER 1600
 Telephone No. (703) 308-1234

NOTES TO FORM PCT/ISA/220 (continued)

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under Article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

The statement should be brief, it should not exceed 500 words if in English or if translated into English. It should not be confounded with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It should not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

In what language?

The amendments must be made in the language in which the international application is published. The letter and any statement accompanying the amendments must be in the same language as the international application if that language is English or French; otherwise, it must be in English or French, at the choice of the applicant.

Consequence if a demand for international preliminary examination has already been filed?

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase?

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty and of the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the international application may be amended?

The claims only.

The description and the drawings may only be amended during international preliminary examination under Chapter II.

When? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been filed, see below.

How? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be couched with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference USV340013514	FOR FURTHER ACTION	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/IB00/01404	International filing date (day/month/year) 02 OCTOBER 2000	(Earliest) Priority Date (day/month/year) NONE
Applicant USV LIMITED		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.

It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:
 - contained in the international application in written form.
 - filed together with the international application in computer readable form.
 - furnished subsequently to this Authority in written form.
 - furnished subsequently to this Authority in computer readable form.
 - the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 - the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. Certain claims were found unsearchable (See Box I).

3. Unity of invention is lacking (See Box II).

4. With regard to the title,

- the text is approved as submitted by the applicant.
- the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- the text is approved as submitted by the applicant.
- the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No. _____

- as suggested by the applicant.
- because the applicant failed to suggest a figure.
- because this figure better characterizes the invention.

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None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.
PCT/IB00/01404

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : A01N 37/52; A61K 47/30, 9/20, 9/22, 9/28
US CL : 514/635, 772.3; 424/464, 465, 468, 474

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 514/635, 772.3; 424/464, 465, 468, 474

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

EAST

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 99/47128 A1 (BRISTOL-MYERS SQUIBB COMPANY) 23 September 1999, See entire document.	1-14
Y	US 5,922,769 A (BARELLI et al.) 13 July 1999, See entire document.	1-14
Y	US 6,011,049 A (WHITCOMB) 04 January 2000, See entire document.	1-14
Y	US 6,099,859 A (CHENG et al.) 08 August 2000, See entire document.	1-14
Y	US 6,099,862 A (CHEN et al.) 08 August 2000, See entire document.	1-14
Y	US 6,117,451 A (KUMAR) 12 September 2000, See entire document.	1-14

Further documents are listed in the continuation of Box C.

See patent family annex.

* Special categories of cited documents:	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A" document defining the general state of the art which is not considered to be of particular relevance		
"B" earlier document published on or after the international filing date	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&"	document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search

16 JANUARY 2001

Date of mailing of the international search report

09 MAY 2001

Name and mailing address of the ISA/US
Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

LILIANA DI NOLA-BARON

TERRY J. DEY
PARALEGAL SPECIALIST
TECHNOLOGY CENTER 1600

Telephone No. (703) 308-1234

PCT

REQUEST

The undersigned requests that the present international application be processed according to the Patent Cooperation Treaty.

For receiving Office use only

International Application No.

International Filing Date

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference
(if desired) (12 characters maximum) USV340013514

Box No. I TITLE OF INVENTION

SUSTAINED RELEASE PHARMACEUTICAL COMPOSITIONS CONTAINING METFORMIN AND METHOD

Box No. II APPLICANT

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

USV LIMITED
B.S.D. Marg (Govandi Station Road) Govandi,
Mumbai - 400 088
India

This person is also inventor.

Telephone No.

Faximile No.

Teleprinter No.

State (that is, country) of nationality:
India

State (that is, country) of residence:
India

This person is applicant all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box for the purposes of:

Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

Gidwani, Suresh Kumar
B.S.D. Marg (Govandi Station Road) Govandi,
Mumbai - 400 088
India

This person is:

applicant only

applicant and inventor

inventor only (If this check-box is marked, do not fill in below.)

State (that is, country) of nationality:
India

State (that is, country) of residence:
India

This person is applicant all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box for the purposes of:

Further applicants and/or (further) inventors are indicated on a continuation sheet.

Box No. IV AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE

The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as:

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)

Cobrin & Gittes
Lexington Avenue
New York, New York 10022
US

Hess, Robert
Cobrin, Peter
Gittes, Marvin
Adler, Michael

Lehrer, Richard
Denenberg, David
Russ, Lawrence

Telephone No.

(212) 486-4000

Faximile No.

(212) 486-4007

Teleprinter No.

Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.

Continuation of Box No. III FURTHER APPLICANT(S) AND/OR (FURTHER) INVENTOR(S)

If none of the following sub-boxes is used, this sheet should not be included in the request.

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

Singnurkar, Purushottam
B.S.D. Marg (Govandi Station Road) Govandi,
Mumbai - 400 088
India

This person is:

- applicant only
 applicant and inventor
 inventor only (If this check-box is marked, do not fill in below.)

State (that is, country) of nationality:
India

State (that is, country) of residence:
India

This person is applicant for the purposes of: all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

Tewari, Prashant Kumar
B.S.D. Marg (Govandi Station Road) Govandi,
Mumbai - 400 088
India

This person is:

- applicant only
 applicant and inventor
 inventor only (If this check-box is marked, do not fill in below.)

State (that is, country) of nationality:
India

State (that is, country) of residence:
India

This person is applicant for the purposes of: all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

This person is:

- applicant only
 applicant and inventor
 inventor only (If this check-box is marked, do not fill in below.)

State (that is, country) of nationality:

State (that is, country) of residence:

This person is applicant for the purposes of: all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

This person is:

- applicant only
 applicant and inventor
 inventor only (If this check-box is marked, do not fill in below.)

State (that is, country) of nationality:

State (that is, country) of residence:

This person is applicant for the purposes of: all designated States all designated States except the United States of America the United States of America only the States indicated in the Supplemental Box

Further applicants and/or (further) inventors are indicated on another continuation sheet.

Box No.V DESIGNATION OF STATES

The following designations are hereby made under Rule 4.9(a) (mark the applicable check-boxes; at least one must be marked):

Regional Patent

- AP ARIPO Patent:** GH Ghana, GM Gambia, KE Kenya, LS Lesotho, MW Malawi, MZ Mozambique, SD Sudan, SL Sierra Leone, SZ Swaziland, TZ United Republic of Tanzania, UG Uganda, ZW Zimbabwe, and any other State which is a Contracting State of the Harare Protocol and of the PCT
- EA Eurasian Patent:** AM Armenia, AZ Azerbaijan, BY Belarus, KG Kyrgyzstan, KZ Kazakhstan, MD Republic of Moldova, RU Russian Federation, TJ Tajikistan, TM Turkmenistan, and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT
- EP European Patent:** AT Austria, BE Belgium, CH and LI Switzerland and Liechtenstein, CY Cyprus, DE Germany, DK Denmark, ES Spain, FI Finland, FR France, GB United Kingdom, GR Greece, IE Ireland, IT Italy, LU Luxembourg, MC Monaco, NL Netherlands, PT Portugal, SE Sweden, and any other State which is a Contracting State of the European Patent Convention and of the PCT
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CALCULATION OF PRESCRIBED FEES

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Basic Fee

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first 30 sheets	455	b1
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Date of mailing (day/month/year) 10 May 2002 (10.05.02)
Applicant's or agent's file reference USV340013514
International application No. PCT/IB00/01404

From the INTERNATIONAL BUREAU

To:

GIBBONS, Del Deo, Dolan,
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TECH CENTER 1600/2900
JUN 20 2002
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IMPORTANT NOTIFICATION

International filing date (day/month/year) 02 October 2000 (02.10.00)
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Name and Address	State of Nationality	State of Residence
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	Faxsimile No.	
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2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

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Date of mailing (day/month/year) 27 November 2002 (27.11.02)	To: RECEIVED 09/857877 TECH CENTER 1600/2000 JAN 02 2003
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Applicant GIDWANI, Suresh, Kumar et al	

1. The designated Office is hereby notified of its election made:

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25 April 2002 (25.04.02)

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(71) Applicant (for all designated States except US): USV
LIMITED [IN/IN]; B.S.D. Marg (Govandi Station Road)
Govandi, Mumbai 400 088 (IN).

(72) Inventors; and

(75) Inventors/Applicants (for US only): GIDWANI, Suresh,
Kumar [IN/IN]; B.S.D. Marg (Govandi Station Road) Go-
vandi, Mumbai 400 088 (IN). SINGNURKAR, Purushot-
tam [IN/IN]; B.S.D. Marg (Govandi Station Road) Go-
vandi, Mumbai 400 088 (IN). TEWARI, Prashant, Ku-
mar [IN/IN]; B.S.D. Marg (Govandi Station Road) Go-
vandi, Mumbai 400 088 (IN).

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(54) Title: SUSTAINED RELEASE PHARMACEUTICAL COMPOSITIONS CONTAINING METFORMIN AND METHOD OF
ITS PRODUCTION

(57) Abstract: Monolithic pharmaceutical composition containing metformin hydrophobic polymer and/or other hydrophobic mate-
rial. Process of producing a sustained release of the composition that includes granulating metformin hydrochloride and hydrophobic
polymer and/or other hydrophobic material by hot melt granulation or by extrusion and drying the granulated product.

SUSTAINED RELEASE PHARMACEUTICAL COMPOSITIONS CONTAINING METFORMIN AND METHOD OF ITS PRODUCTION

5

Field of the Invention

The present invention relates to sustained release pharmaceutical preparations containing metformin hydrochloride which provides sustained release of metformin hydrochloride over a prolong period of time and a method of producing it.

Metformin hydrochloride is a well known biguanide derivative (1,1-dimethylbiguanide monohydrochloride) which is widely used as oral antihtperglycemic agent in the management of noninsulin dependent diabetes mellitus (NIDDM).

Metformin hydrochloride being a highly water soluble drug (>300 mg/ml at 25°C), leads to the difficulty in making a sustained release dosage form.

Marketed preparations available earlier with 850 mg dose of metformin hydrochloride having label of retard tablets (Glucophage RTM retard) have not been able to demonstrate any advantage in a limited volunteer trials.. This probably attributable to poor choice of polymers and low dosage, desired for sustained action.

US patent 5,955,106 by Moeckel, J. describes the process of making metformin hydrochloride 850 mg retard tablet containing hydrocolloid forming retarding agents and further control of release provided by film envelop. It

however does not provide any justification for using 850 mg dose of metformin hydrochloride for delayed release preparation and the expected release rates from such compositions. This patent also does not give any in-vitro and in-vivo data to support its claims. Literature survey indicates metformin hydrochloride has only 40% to 60% bioavailability with high renal clearance. Hence the dose 850 mg may be insufficient to achieve therapeutic plasma concentration, around 1 µg/ml for a sufficient period of time and might require to take such tablets twice or thrice a day.

WP patent 99/47128 by Timmins et al describes a biphasic controlled release delivery system for metformin hydrochloride with inner solid particulate phase and outer solid continuos phase utilizing hydrophilic and hydrophobic polymers. These tablets are hydrodynamically balanced and swells upto approximately three times its dry size following hydration. However it is well documented that in supine position the tablet escapes through the pylorus of the stomach after administration, which may deteriorate the tablet's in-vivo performance. Also volume desired to maintain floating of the tablet is never enough in the stomach except in fed condition. Hence making such system is doubtful with reference to its performance. Another major limitation of this patent is about dosage of the metformin hydrochloride and formulation. For instance, examples cited provides formulation of 500 mg metformin hydrovchloride with tablet weight of approximately 1.0 gm . Hence restricting to the use of low dose sustained release tablets of 500 mg or slightly more only and making it obligatory to take two tablets of 500 mg each time to provide sustained action.

The present invention is based on the scientific calculation of dose of metformin hydrochloride desired, based on the data available from in-vivo studies which are well documented in the scientific literature. The model used here is based on the mathematical equations provided by Dobrinska and 5 Welling (1975) which gives fairly accurate calculations about loading dose and maintenance dose for achieving sustained release effect.

The dose of metformin hydrochloride is calculated by considering the following pharmacokinetic values from the literature.

Plasma concentration C_{max} = 1.02 µg/ml

10 Elimination half life t 1/2 = 6.2 hours.

Volume of distribution V_d = 275 litrs.

Renal clearance = 552± 139 Litrs/min.

Total clearance = 1300 ml/min.

Using Dobrinska and Welling model, the calculated loading dose is 283 mg 15 and maintenance dose is 759 mg and the total dose is 1040 mg of metformin hydrochloride for achieving sustained release effect for 24 hours.

The object of the present invention is to prepare palatable and swallowable pharmaceutical preparation containing as high as approximately 1.0 gm metformin by suitable technology showing demonstrable release rate 20 and facilitated in-vivo absorption for the desired period. The emphasis is to develop simple monolithic system composed of hydrophobic polymers and other excipients with improved kinetics of extended release dosage forms and with highest possible content of active substance and the simplest method of producing it.

The monolithic sustained release system of the invention is a homogeneous system composed of active drug in an amount within the range of 60 to 90% by weight, preferably 70 to 80% by weight, and one or more hydrophobic polymers or one or more other type of hydrophobic materials. In an amount within the range of about 15 to 40% by weight, preferably 20 to 30 % by weight based on the weight of the active substance.

Hydrophobic polymers which may be employed for the monolithic sustained release system in the present invention include, but not limited to stearic acid, glycerylmonostearate, glyceryl behenate, glyceryl monooleate, glyceryl palmitostearate, microcrystalline wax, stearyl alcohol, cetyl alcohol, cetostearyl alcohol, hydrogenated castor oil, tristearin, waxes, polyethylene powder, polyvinyl chloride, shellac, rosin, and the like. Where the mixtures of the hydrophobic polymer will be employed in weight ratio to other hydrophobic material within the range of about 1: 0.01 to 1: 5 , preferably about 1 : 0.3

The pharmaceutical compositions according to the present invention can be used to produce compressed tablets of any shape, preferably oval shape and can be additionally provided with film coat of commonly used hydrophilic coating polymers. The film envelop used can a taste neutralizing film forming agent to which dies can optionally be added can be used for elegance. The proportion by weight of the film envelop relative to the final tablet is in the usual range of 0.5 to 4.0% by weight preferably 1.0 to 1.5% by weight. Film formers such as hydroxypropyl methylcellulose, hydroxypropyl cellulose, starch, cellulose derivatives and the like.

The monolithic composition according to the present invention can also be used to produce compressed slugs and filled into capsules.

Auxiliary substances which may be employed for monolithic sustained release system in the present invention include, binder, like polyvinyl pyrrolidone, gelatin, gum acacia, Klucel EF (hydroxypropyl cellulose), carboxymethyl cellulose sodium, etc.; Where as the glidants include, but not limited to colloidal siliconedioxide, talc, starch, and the like; lubricants include, but not limited to magnesium stearate, zinc stearate, and the like

The pharmaceutical dosage form according to the present invention such as tablet, apart from active drug and hydrophobic polymers and or hydrophobic materials may contain 1.0 to 15 % by weight of a binder, preferably 3.0 to 10 % by weight ; and upto 2.0 % by weight of glidant preferably 0.5 to 1.0 5 by weight; and upto 2.0 % by weight of lubricants preferably 0.5 to 1.0 % by weight ; each in relation to the tablet weight.

In the present invention the pharmaceutical composition, such as tablets are produced by dry mixing of active substance and optionally further auxiliary substance and granulating this mixture with hydrophobic polymers and or other hydrophobic materials by hot melt granulation technique using jacketed rapid mixer granulator at a temperature 40 to 120 °C, preferably 60 to 80 °C. This is followed by gradually cooling the granulate mass to the room temperature with continuos mixing. The resulting mass is further granulated with aqueous or organic solution of the binder followed by drying and converting it into 30 µm to 2.0 mm granules, preferably 100 µm to 1.0 mm by

milling and sizing. Subsequently appropriate other pharmaceutical auxiliary substances are admixed with the sized granules.

In the present invention the pharmaceutical composition, such as tablets are also produced by dry mixing of active substance, optionally further auxiliary substances, hydrophobic polymers and or another hydrophobic materials and binder in extruder. This mixture is extruded at a temperature 40 to 120 °C , preferably 60 to 90 °C in a simple extruder used for injection molding of plastics, followed by extrusion of the melted homogeneous mass with gradual cooling to room temperature and converting into 30 to 2.0 µm to 2.0 mm granules, preferably 100 µm to 1.0 mm by milling and sizing. 5
10 Subsequently appropriate other pharmaceutical auxiliary substances are admixed with the sized granules.

The composition produced in this manner is subsequently processed in the usual manner to produce pharmaceutical dosage forms, such as e.g. 15 Compressed into tablets or filling of pressed slugs into capsule. The tablets can be coated with a film using the standard coating processes and methods such as conventional coating pan or fluid coating process.

The sustained release tablets according the present invention release metformin hydrochloride in a controlled manner which is suppose to provide 20 an effect over a time period upto 24 hours, preferably over 18 hours as per the calculations.

Useful metformin sustained release formulations as per the invention shows the following in-vitro drug release characteristics when tested in gastric fluid pH 1.2 for first hour and then in phosphate buffer pH 6.8 USP.

Tim	% Release
1	38 – 45%
2	50 – 55 %
3	62 – 68 %
4	70 – 75 %
5	80 – 85 %
6	85 – 90 %
7	91 – 95 %
8	96 – 100 %

10

Example 1 :

225 gm of stearic acid was melted at 70°C temperature. 1000 gm metformin hydrochloride was heated to 70°C in a jacketed rapid mixer granulator and granulated with above melted stearic acid at 70°C temperature. After granulation the granulate mass was mixed continuously with gradual cooling to room temperature.

20 60 gm of shellac and 25 gm of polyvinyl pyrrolidone were dissolved in 150 gm of isopropyl alcohol. This solution was gradually added to above metformin stearic acid granulate and mixed till dough mass formed. The resulting dough mass was dried at 45°C for 2 hours and then sized through 2.4 mm screen to break the agglomerates. These sized granules (1310 gm) were blended with 4.0 gm of colloidal silicone dioxide and 8.0 gm of magnesium stearate and compressed into capsule shape oval tablets of each containing 1000 mg of metformin hydrochloride.

The in-vitro release of metformin hydrochloride form these tablet was as follows.

	Time (Hrs)	% Release
5	1	40 %
	2	55 %
	3	65 %
	4	75 %
10	5	82 %
	6	89 %
	7	95 %
	8	99.5 %

Example 2 :

15 225 gm of stearic acid , 1000 gm metformin hydrochloride, 60 gm of shellac and 25 gm of polyvinyl pyrollidone were mixed in the extruder at 70°C and extruded and then gradually cooled to room temperature. The resulting agglomerates were sized through 2.4 mm screen . These sized granules (1310 gm) were blended with 4.0 gm of colloidal silicone dioxide and 8.0 gm
20 of magnesium stearate and compressed into capsule shape oval tablets of each containing 1000 mg of metformin hydrochloride.

The in-vitro release of metformin hydrochloride form these tablet was as follows

25

	Time (Hrs)	% Release
	1	42 %
	2	57 %
	3	68 %

4	77 %
5	84 %
6	90 %
7	96 %
8	100 %

Example 3 :

250 gm of glyceryl mono stearate was melted at 70°C temperature. 1000 gm metformin hydrochloride was heated to 70°C in a jacketed rapid mixer
 10 granulator and granulated with above melted stearic acid at 80°C temperature. After granulation the granulate mass was mixed continuously with gradual cooling to room temperature.

60 gm of shellac and 25 gm of polyvinyl pyrollidone were dissolved in 150 gm of isopropyl alcohol. This solution was gradually added to above metformin stearic acid granulate and mixed till dough mass formed. The resulting dough mass was dried at 45°C for 2 hours and then sized through 2.4 mm screen to break the agglomerates. These sized granules (1335 gm) were blended with 4.0 gm of colloidal silicone dioxide and 8.0 gm of magnesium stearate and compressed into capsule shape oval tablets of each containing 1000 mg of metformin hydrochloride.
 20

The in-vitro release of metformin hydrochloride form these tablet was as follows.

Time (Hrs)	% Release
1	39 %
2	52 %
3	61 %
4	72 %
5	80 %
6	88 %
7	94 %
8	98 %

Example 4 :

175 gm of polyethylene powder , 1000 gm metformin hydrochloride and
 15 25 gm of polyvinyl pyrollidone were mixed in the extruder at 70°C and
 extruded and then gradually cooled to room temperature. The resulting
 agglomerates were sized through 2.4 mm screen . These sized granules
 (1200 gm) were blended with 4.0 gm of colloidal silicone dioxide and
 8.0 gm of magnesium stearate and compressed into capsule shape oval
 20 tablets of each containing 1000 mg of metformin hydrochloride.

The in-vitro release of metformin hydrochloride form these tablet was
 as follows.

Time (Hrs)	% Release
1	48 %
2	54.2 %

5

3	64 %
4	73.4 %
5	82 %
6	90.3 %
7	96 %
8	99.7 %

10

Example 5 :

160 gm of polyvinyl chloride powder , 1000 gm metformin hydrochloride and 25 gm of polyvinyl pyrrolidone were mixed in the extruder at 70°C and extruded and then gradually cooled to room temperature. The resulting 15 agglomerates were sized through 2.4 mm screen . These sized granules (1185 gm) were blended with 4.0 gm of colloidal silicone dioxide and 8.0 gm of magnesium stearate and compressed into capsule shape oval tablets of each containing 1000 mg of metformin hydrochloride.

The in-vitro release of metformin hydrochloride form these tablet was

20 as follows.

25

30

Time (Hrs)	% Release
1	42 %
2	53.1 %
3	62.5 %
4	72 %
5	80 %
6	85 %
7	94 %
8	98.8 %

Example 6 :

230 gm of hydrogenated castor oil was melted at 70°C temperature. 1000 gm metformin hydrochloride was heated to 70°C in a jacketed rapid mixer granulator and granulated with above melted stearic acid at 70°C temperature. After granulation the granulate mass was mixed continuously with gradual cooling to room temperature.

60 gm of shellac and 25 gm of polyvinyl pyrrolidone was dissolved in 150 gm of isopropyl alcohol. This solution was gradually added to above metformin stearic acid granulate and mixed till dough mass formed. The resulting dough mass was dried at 45°C for 2 hours and then sized through 2.4 mm screen to break the agglomerates. These sized granules (1315 gm) were blended with 4.0 gm of colloidal silicone dioxide and 8.0 gm of magnesium stearate and compressed into capsule shape oval tablets of each containing 1000 mg of metformin hydrochloride.

The in-vitro release of metformin hydrochloride form these tablet was as follows.

Time (Hrs)	% Release
1	41 %
2	53 %
3	66 %
4	74.9 %
5	83 %
6	91 %
7	96.2%
8	100 %

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CLAIMS :

1. Monolithic pharmaceutical composition comprising metformin hydrochloride as the active substance and hydrophobic polymer and or other hydrophobic material.
- 5 2. Composition of claim 1, wherein the sustained release dose for metformin hydrochloride is at least 1000 mg.
3. Composition of claim 1, wherein at least 74 % by weight of the composition is metformin hydrochloride.
- 10 4. The pharmaceutical formulation as defined in claim 1, wherein the hydrophobic polymer and or hydrophobic material is selected from the group consisting of Fatty acids, Fatty alcohols, Fatty acid esters, Hydrogenated oils, waxes and natural resins.
- 15 5. Composition of claim 4, wherein the hydrophobic polymer and or hydrophobic material comprises stearic acid, glyceryl monostearate, glyceryl behenate, glyceryl pamitostearate, glyceryl monooleate, microcrystalline wax, stearyl alcohol, cetyl alcohol, cetostearyl alcohol, hydrogenated castor oil, tristearin, shellac, rosin, polyvinyl chloride powder, polyethylene powder, and the like.
- 20 6. Composition of claim 1, further comprising about 3 to 10% by weight binder, up to 0.5 to 1.5% by weight glidant and up to 0.5 to 1.0% by weight of the lubricant.
7. Composition of claim 1, wherein pharmaceutical composition is tablet.

8. Process of producing a sustained release metformin hydrochloride composition of claim 1 which can be compresses comprising :
- 5 i) Granulating metformin hydrochloride and hydrophobic polymer and or other hydrophobic material by hot melt granulation or by extrusion.
- ii) And drying the granulated product.
9. Process of claim 8, wherein the aqueous or organic solvent used in the granulation step contains a binder.
10. Process of claim 8, including the further step of compressing the dried granulated product into tablets.
11. Process of claim 10, including the further step of coating the tablet with a film envelope for taste neutralization.
15. Process of claim 10, wherein the compacted product further includes up to 1.5% by weight of lubricant, upto 1% by weight of glidant, and up to 4.5%by weight of binder.
13. The pharmaceutical composition according to claim 1 which releases metformin hydrochloride in a controlled and reproducible manner right from start and in the duration of minimum 8 hours.
14. The pharmaceutical composition of claim 1, used as oral antihtperglycemic agent in the management of noninsulin dependent diabetes mellitus (NIDDM).

* * * * *

INTERNATIONAL SEARCH REPORT

International application No.
PCT/IB00/01404

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : A01N 37/52; A61K 47/30, 9/20, 9/22, 9/28
US CL : 514/635, 772.3; 424/464, 465, 468, 474

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 514/635, 772.3; 424/464, 465, 468, 474

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Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

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C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 99/47128 A1 (BRISTOL-MYERS SQUIBB COMPANY) 23 September 1999, See entire document.	1-14
Y	US 5,922,769 A (BARELLI et al.) 13 July 1999, See entire document.	1-14
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Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

Faxsimile No. (703) 305-3230

Authorized officer

LILIANA DI NOLA-BARON

Telephone No. (703) 308-1220

Terry J. Dey
TERRY J. DEY
PARALEGAL SPECIALIST
TECHNOLOGY CENTER 1600

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INTERNATIONAL SEARCH REPORT

International Application No

PCT/CA 98/00274

A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 A61K9/22

According to International Patent Classification(IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

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C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
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Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl.
Fax: (+31-70) 340-3016

Authorized officer

Benz, K

INTERNATIONAL SEARCH REPORT

Internat'l Application No

PCT/CA 98/00274

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Information on patent family members

Intern: AI Application No:
PCT/CA 98/00274

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